

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**ISSAC MOLHO,
Plaintiff,**

v.

**STATE FARM LLOYDS,
Defendant.**

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CIVIL ACTION NO. 4:15-cv-3527

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441(b) (DIVERSITY)**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant State Farm Lloyds (“Defendant”) and hereby petitions this Court pursuant to 28 U.S.C. §§ 1332, 1441(b), and 1446 for removal, on the basis of diversity of citizenship jurisdiction, to the United States District Court for the Southern District of Texas, Houston Division, of the action numbered and styled Cause No. 15-DCV-227528; *Issac Molho v. State Farm Lloyds*, in the 240th Judicial District Court of Fort Bend County, Texas (the “State Court case”), and in support thereof would respectfully show this Court as follows:

I. FACTS

1. Plaintiff filed his Original Petition (“Petition”) in the State Court case on November 2, 2015. A true and correct copy of the Original Petition is attached hereto as part of Exhibit A. In his Original Petition, Plaintiff has asserted claims for breach of contract, prompt payment of claims statute, and bad faith/DTPA violations. Plaintiff seeks treble damages and attorneys’ fees pursuant to statute.

2. Plaintiff served Defendant through its registered agent with citation and a copy of

his Petition in the State Court case on November 5, 2015. This Notice of Removal is filed within thirty (30) days of service of the Petition, in compliance with 28 U.S.C. § 1446(b).

3. Plaintiff is a citizen and resident of the State of Texas.

4. Defendant State Farm Lloyds is an unincorporated association of underwriters and a citizen of Illinois.

II. AMOUNT IN CONTROVERSY

5. Plaintiff is seeking damages in excess of \$75,000.00.

III. COMPLETE DIVERSITY EXISTS

6. This action is a civil action which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §§ 1441(b) and 1332(a) in that it is between citizens of different states and it is a civil action wherein the matter in controversy exceeds the sum of \$75,000.00, exclusive of interests and costs.

IV. PROCEDURAL REQUIREMENTS

7. By virtue of filing this Notice of Removal, Defendant does not waive its right to assert any motions to dismiss, including Rule 12 motions permitted by the Federal Rules of Civil Procedure.

8. All of the papers on file in the State Court case at the time of removal are attached hereto as Exhibit A. Those papers include the citation, Plaintiff's Original Petition, the district court docket sheet, and all answers on file.

9. Pursuant to 28 U.S.C. § 1446(d), written notice of filing of this Notice will be given to all adverse parties promptly after the filing of this Notice.

10. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed with the District Clerk of Fort Bend County, Texas promptly after the filing of this Notice.

WHEREFORE, PREMISES CONSIDERED, Defendant State Farm Lloyds requests that this action be removed from the 240th Judicial District Court of Fort Bend County, Texas to the United States District Court for the Southern District of Texas, Houston Division, and that this Court enter such further orders as may be necessary and appropriate.

Respectfully submitted,

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By: /s/ Edward F. Kaye
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of December, 2015, I am electronically filing the foregoing with the Clerk of the Court using the Case Management/Electronic Case Files ("CM/ECF") system, and I hereby certify that I have mailed by certified mail, return receipt requested the document to the following non-CM/ECF participant:

Ana M. Ene
William X. King
Richard D. Daly
John Scott Black
Daly & Black, P.C.
2211 Norfolk St., Suite 800
Houston, Texas 77098

/s/ Edward F. Kaye
Edward F. Kaye